

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION

ROBERT SCHELSKE, *et al.*,

Plaintiffs,

v.

LLOYD J. AUSTIN, III, *et al.*,

Defendants.

Case No. 6:22-cv-00049-H

PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

Pursuant to Fed. R. Civ. P. 23(a) and (b)(2), Plaintiffs Robert Schelske, Huntley W. Bakich, Jr., Zakai Bufkin, Samuel L. Conklin, Joshua J. Costroff, Samuel Galloway, Dominic O. Mell, Collin M. Morrison, Nicholas Saballa, and Peter Testa (“**Named Plaintiffs**”), on behalf of themselves and all others similarly situated, file this Motion for Class Certification and respectfully request that the Court enter an order certifying the following class under Rule 23(b)(2) of the Federal Rules of Civil Procedure:

a class of all Army service members (to include active and reserve members, and Army National Guard, and all inductees and appointees of the Army) who (i) submitted or had pending a religious accommodation request to the Army regarding the Army’s COVID-19 vaccination requirement, on or before the date of class certification, (ii) were confirmed as having had a sincerely held religious belief substantially burdened by the Army’s COVID-19 vaccination requirement by or through an Army Chaplain; and (iii) have not had their religious accommodation request granted (hereinafter the “**Class**”).

Plaintiffs further request that the Court enter an order appointing Plaintiffs’ counsel as class counsel under Rule 23(g) of the Federal Rules of Civil Procedure as provided in the tendered proposed order.

Dated: November 23, 2022

Respectfully submitted,

/s/ Aaron Siri

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CERTIFICATE OF CONFERENCE

Plaintiffs' counsel emailed Defendants' counsel on November 22, 2022 regarding this motion. Defendants' counsel indicated they oppose this motion.

/s/ Aaron Siri

Aaron Siri

CERTIFICATE OF SERVICE

I hereby certify that on November 23, 2022, a true and correct copy of the Plaintiffs' Motion for Class Certification was served by CM/ECF on all counsel or parties of record.

/s/ Aaron Siri

Aaron Siri